

**20273. Misbranding of canned peaches. U. S. v. 58 Cases \* \* \*. (F. D. C. No. 34571. Sample No. 29370-L.)**

**LIBEL FILED:** February 5, 1953, Western District of Washington.

**ALLEGED SHIPMENT:** On or about April 4, 1951, by the A. M. Beebe Co., from San Francisco, Calif.

**PRODUCT:** 58 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Seattle, Wash.

**LABEL, IN PART:** (Can) "Exposition Brand Yellow Freestone Peaches Mixed Pieces of Irregular Sizes and Shapes In Heavy Syrup Sliced Elbertas."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and the label failed to bear, as required by the regulations, the name of the optional packing medium present in the article since the label bore the statement "In Heavy Syrup," whereas the article was packed in sirup designated as "Light Syrup" in the regulations.

**DISPOSITION:** May 28, 1953. The Alaco Preserving Co., Decoto, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

#### DRIED FRUIT

**20274. Adulteration of dried apricots. U. S. v. 100 Cases, etc. (F. D. C. No. 34688. Sample Nos. 42221-L, 42222-L.)**

**LIBEL FILED:** March 13, 1953, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 4, 1952, by the Richmond-Chase Co., from San Jose, Calif.

**PRODUCT:** 300 25-pound cases of dried apricots at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent excreta.

**DISPOSITION:** May 11, 1953. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed under the supervision of the Department of Health, Education, and Welfare. The product was reconditioned, with the result that 62 pounds were found unfit and were destroyed.

#### VEGETABLES

**20275. Adulteration of celery. U. S. v. 432 Crates \* \* \*. (F. D. C. No. 34437. Sample No. 36909-L.)**

**LIBEL FILED:** On or about December 17, 1952, District of New Jersey.

**ALLEGED SHIPMENT:** On or about November 29, 1952, by the Handel Co., from Lodi, Calif.

**PRODUCT:** 432 crates, each containing 24 stalks, of celery at Newark, N. J.

**LABEL, IN PART:** (Crate) "Handel \* \* \* California \* \* \* Packed by Handel Co. Lodi, Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its discoloration, pithiness, and softening due to freezing.

**DISPOSITION:** January 15, 1953. Decree of condemnation and destruction.

**20276. Adulteration and misbranding of canned lima beans and misbranding of canned peas. U. S. v. George W. Jones (Fresh Canning Co., Inc.). Plea of nolo contendere. Fine, \$350. (F. D. C. No. 33857. Sample Nos. 14990-L, 22700-L, 22701-L, 56512-L.)**

**INFORMATION FILED:** March 6, 1953, Eastern District of Oklahoma, against George W. Jones, president of Fresh Canning Co., Inc., Spiro, Okla.

**ALLEGED SHIPMENT:** Between the approximate dates of January 16 and May 21, 1952, from the State of Oklahoma into the States of Louisiana, Tennessee, and Nebraska.

**LABEL, IN PART:** "Baby Shug Green & White Baby Lima Beans [or "Baby Shug Alaska Variety Early June Peas"] Packed By Fresh Canning Co., Spiro, Okla."

**NATURE OF CHARGE:** Lima beans. Adulteration, Section 402 (b) (2), a canned product, the vegetable ingredient of which was obtained by preparation from dried soaked lima beans, had been substituted for canned lima beans, a canned product, the vegetable ingredient of which is obtained by preparation from succulent lima beans, which the article was represented to be. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned lima beans since the vegetable ingredient was prepared from dried soaked lima beans instead of succulent lima beans as required by the standard.

Peas. Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peas, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by the standard, the name of the optional pea ingredient present since the pea ingredient present consisted of dried soaked peas and the label bore the statement "Alaska Variety Early June Peas"; and, Section 403 (h) (1), the product fell below the standard of quality for canned peas of the Alaska variety since the alcohol-insoluble solids of the peas were more than 23.5 percent and the label failed to bear a statement that the product fell below the standard.

**DISPOSITION:** March 31, 1953. The defendant having entered a plea of nolo contendere, the court fined him \$350.

**20277 Adulteration and misbranding of canned peas. U. S. v. 142 Cases, etc. (and 1 other seizure action). (F. D. C. No. 33865. Sample Nos. 27685-L to 27687-L, incl., 41893-L, 41894-L.)**

**LABEL FILED:** September 23, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about July 7, 1952, by Cal State Sales, from Milton and Freewater, Oreg.

**PRODUCT:** Peas. 251 cases, each containing 6 unlabeled No. 10 cans, and 198 cases, each containing 48 unlabeled picnic size cans, at San Jose, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), (251-case lot) the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (1) and (2), (both lots) the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the con-